

REMARKS

These remarks are filed in response to the Examiner's Report of November 9, 2007, a response to which is due by February 9, 2008. Accordingly, the Applicants respectfully submit that no extension of time fees fall due in connection with the filing of this paper. If the Applicants are mistaken, the Commissioner is hereby authorized to deduct any necessary fees from our Deposit Account No. 13-2400.

Claims 1-34 are pending in the present application.

The Examiner has rejected claims 1-6, 9-18, 21-28 and 31-34 under U.S.C. § 103(a) as being unpatentable over US patent Publication No. 2003/0005118 to Williams (hereinafter "Williams") in view of US patent Publication No. 2004/0210771 to Wood et al. (hereinafter "Wood").

The Office Action was issued following the United States Supreme Court's decision in the case of KSR Int'l Co. v. Teleflex Inc., No. 04-1350 (April 30, 2007). In light of the KSR decision, Applicant wishes to address various issues pertaining to a proper analysis under section 103.

The Examiner, by citing two references and asserting a reason for combining elements from the two references, has elected to base the rejection of claims 1-34 upon a teaching, suggestion or motivation to select and combine features from the cited references. Applicant wishes to point out that the Supreme Court's KSR decision did not reject use of a "teaching, suggestion or motivation"

analysis as part of an obviousness analysis, characterizing the analysis as “a helpful insight.” KSR slip op. at 14-15.

When the Examiner chooses to base a rejection upon a teaching, suggestion or motivation analysis, the Examiner must satisfy the requirements of such an analysis. In particular, the Examiner must demonstrate with evidence and reasoned argument that there was a teaching, suggestion or motivation to select and combine features from the cited references, e.g., In re Lee, 61 USPQ2d 1430, 1433 (Fed. Cir. 2002). Moreover, the prior art must suggest the desirability of the combination, not merely the feasibility, see In re Fulton, 73 USPQ2d 1141, 1145 (Fed. Cir. 2004).

In the event that the cited references fail to disclose or suggest all of the elements recited in the claims, then combining elements from the references would not yield the claimed subject matter, regardless of the extent of any teaching, suggestion or motivation.

Although the Supreme Court did not reject use of a “teaching, suggestion or motivation” analysis, the Supreme Court did say that it was not the only possible analysis of an obviousness question. Because of the Examiner’s chosen ground for rejection, however, the only pending ground for rejection must be a “teaching, suggestion or motivation” analysis. In the event that the Examiner chooses to consider a different avenue for rejection, this would be a new ground for rejection not due to any action by Applicant. Applicant has a right to be heard on any new ground for rejection.

Applicant further respectfully reminds the Examiner that, even after KSR, the following legal principles are still valid, having been endorsed by the Supreme Court or having been unaffected by its decision: (1) the USPTO still has the burden of proof on the issue of obviousness; (2) the USPTO must base its decision upon evidence, and it must support its decision with articulated reasoning (slip op. at 14); (3) merely demonstrating that all elements of the claimed invention exist in the prior art is not sufficient to support a determination of obviousness (slip op. at 14-15); (4) hindsight has no place in an obviousness analysis (slip op. at 17); and (5) Applicant is entitled to a careful, thorough, professional examination of the claims (slip op. at 7, 23, in which the Supreme Court remarked that a poor examination reflected poorly upon the USPTO).

Claim 1 has been amended for clarity and to specify that the transmission of a session token from one server to another is performed directly and, consequently, not via a browser. Claims 2 through 10 have been amended for consistency with amended claim 1.

Claim 1, as amended, requires "redirecting said request to the second server, including transmitting said session token directly to the second server". The basis for the amendment may be found in paragraph [0038].

The Examiner cites a passage in Williams wherein the redirection of a request from a first server to a second server is disclosed. The Examiner points to lines 12-18 of paragraph [0067] where Williams merely provides a general definition of a redirect as allowing "a server to respond to a client request with instructions to

load a resource at a different location". Williams sets out that "most browsers will automatically request the new resource in response to a redirect". Further, Williams specifies that "When the browser receives the HTTP redirect, the browser issues a new HTTP Request using the redirected URI provided in the HTTP redirect". A good example of this type of redirection is when a website's address is changed to a new address – when a request is made to the server for the old website, the server responds and provides a new location to the browser. The browser, upon receiving the response from the server providing the new location, will issue a new HTTP Request using the redirected URI (location) provided in the HTTP Redirect. Most browsers will automatically redirect the client to the new location.

The Examiner then admits that Williams does not specifically disclose "including transmitting said session token to the second server". The Examiner then cites Wood. The first sentence of one of cited paragraph [0051] reads "A session token is passed to browser 170 in conjunction with the redirect (5) to login component 120." That is, Wood advocates transmitting a session token with the URI provided in the HTTP Redirect transmitted to the browser in response to a request. The browser may then include the session token with a request transmitted to the second server.

It is noted in paragraph [0038] of the disclosure of the present application that "The second server 12b cannot be presumed to be able to decrypt the session token so as to obtain the session ID and timestamp." Accordingly, the direct passage of a *decrypted* session token from a first server to a second server is preferred over a scheme arising from a combination of Williams and Wood wherein a

session token is transferred from the first server to the browser (as part of a redirection) and then from the browser to the second server (as part of a reiteration of an original request). In one case, a decrypted session token is transmitted to the browser and subsequently, by the browser, to the second server. Such a scheme may be considered insecure. In another case, an encrypted session token is transmitted to the browser and subsequently, by the browser, to the second server. Such a scheme may be considered unworkable if the second server has difficulty decrypting the encrypted session token.

Since it is submitted that neither Williams, nor Wood, nor a combination of Williams and Wood suggest or disclose transmitting a session token, received along with a request, directly to a second server, it is further submitted that the method of claim 1 is not obvious over Williams in view of Wood. It is respectfully requested that the Examiner withdraw the rejection of claim 1, and claims 2-6 and 9-12 dependent, either directly or indirectly, thereon, as obvious over Williams in view of Wood.

Claim 13 has been amended for clarity and to specify that the transmission of a session token from one server to another is performed directly, i.e., not via a browser. Claims 15, 16, 17 and 21 have been amended for consistency with amended claim 13.

Claim 13 is directed to a system for secure session management. The system of claim 13 includes a first server including a first request handler. Claim 13, as amended for consistency with amended claim 1, requires that the first request

handler be adapted to transmit a decrypted session token directly to a second server.

Further to the discussion above, it is submitted that neither Williams, nor Wood, nor a combination of Williams and Wood suggest or disclose a first request handler transmitting a session token, received along with a request, directly to a second server. Accordingly, it is submitted that the system of claim 13 is not obvious over Williams in view of Wood. It is respectfully requested that the Examiner withdraw the rejection of claim 13, and claims 14-18 dependent, either directly or indirectly, thereon, as obvious over Williams in view of Wood.

Claim 23 has been amended for clarity and to specify that the transmission of a session token from one server to another is performed directly, i.e., not via a browser. Claims 25, 26, 27, 31 and 32 have been amended for consistency with amended claim 23.

Claim 23 is directed to a computer program product having a computer-readable medium tangibly embodying computer executable instructions for secure session management. The computer program product of claim 23 includes computer executable instructions for transmitting a session token directly to a second server. Further to the discussion above, it is submitted that neither Williams, nor Wood, nor a combination of Williams and Wood suggest or disclose computer program product including computer executable instructions for transmitting a decrypted session token directly to the second server. Accordingly, it is submitted that the computer program product of claim 23 is not obvious over

Williams in view of Wood. It is respectfully requested that the Examiner withdraw the rejection of claim 23, and claims 24-28 and 31-34 dependent, either directly or indirectly, thereon, as obvious over Williams in view of Wood.

The Examiner has rejected claims 7 and 8 under 35 U.S.C. § 103(a) as being unpatentable over Williams in view of Wood in further view of Bachman. Claims 7 and 8 depend indirectly from claim 1 and add limitations. The Examiner contends that the combination of Williams and Wood discloses most of the subject matter of claims 7 and 8 and cites Bachman to illustrate that the additional limitations added by claims 7 and 8 were known at the time the claimed inventions was made. Without regard to whether Bachman discloses the limitations added by claims 7 and 8, it is submitted that Bachman does not suggest or disclose transmitting a session token directly to a second server as required by claim 1.

Since it is submitted that neither Williams, nor Wood, nor Bachman, nor a combination of Williams, Wood and Bachman suggest or disclose transmitting a session token, received along with a request, directly to a second server, it is further submitted that the method of claims 7 and 8 are patentable over Williams in view of Bachman. It is respectfully requested that the Examiner withdraw the rejection of claims 7 and 8 as obvious.

The Examiner has rejected claims 19 and 20 under 35 U.S.C. § 103(a) as being unpatentable over Williams in view of Wood in further view of Bachman. Claims 19 and 20 depend indirectly from claim 13 and add limitations. The Examiner contends that the combination of Williams and Wood discloses most of the subject

matter of claims 19 and 20 and cites Bachman to illustrate that the additional limitations added by claims 19 and 20 were known at the time the claimed inventions was made. Without regard to whether Bachman discloses the limitations added by claims 19 and 20, it is submitted that Bachman does not suggest or disclose a first request handler transmitting a session token, received along with a request, directly to a second server, as required by claim 13.

Since it is submitted that neither Williams, nor Wood, nor Bachman, nor a combination of Williams, Wood and Bachman suggest or disclose a first request handler transmitting a session token, received along with a request, directly to a second server, it is further submitted that the system of claims 19 and 20 are patentable over Williams in view of Bachman. It is respectfully requested that the Examiner withdraw the rejection of claims 19 and 20 as obvious.


The Examiner has rejected claims 29 and 30 under 35 U.S.C. § 103(a) as being unpatentable over Williams in view of Wood in further view of Bachman. Claims 29 and 30 depend indirectly from claim 23 and add limitations. The Examiner contends that Williams discloses most of the subject matter of claims 29 and 30 and cites Bachman to illustrate that the additional limitations added by claims 29 and 30 were known at the time the claimed inventions was made. Without regard to whether Bachman discloses the limitations added by claims 29 and 30, it is submitted that Bachman does not suggest or disclose computer executable instructions for transmitting a session token, received along with a request, directly to a second server, as required by claim 23.

Since it is submitted that neither Williams, nor Wood, nor Bachman, nor a combination of Williams, Wood and Bachman suggest or disclose computer executable instructions for transmitting a session token, received along with a request, directly to a second server, it is further submitted that the computer program products of claims 29 and 30 are patentable over Williams in view of Bachman. It is respectfully requested that the Examiner withdraw the rejection of claims 29 and 30 as obvious.

Favorable reconsideration and allowance of this application are respectfully requested.

Respectfully Submitted,
Sadjana Petrovic

By:


Colin C. Climie, Regn. No. 56,036

Place: Toronto, Ontario, Canada
Date: February 6, 2008
Tele No.: 416-868-1482